

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

MOV-ology LLC,

Plaintiff,

v.

Temenos AG,
Temenos U.S.A., Inc.,
Temenos Cloud Americas, LLC,
Avoka (USA), Inc., and
Kony, Inc.,

Defendants.

Civil Action No. 6:23-cv-00391-ADA

Jury Trial Demanded

**Plaintiff's Answer to Defendants Temenos U.S.A., Inc. and Kony, Inc.'s
Counterclaims to Complaint (ECF No. 31)**

Plaintiff MOV-ology LLC ("MOV-ology") provides its Answer to Defendants Temenos U.S.A., Inc. and Kony, Inc.'s ("Counterclaimants") Counterclaims to MOV-ology's Complaint:

Counterclaims

1. MOV-ology admits that Counterclaimants allege certain counterclaims against MOV-ology in their answer to the Complaint. MOV-ology denies any remaining allegations in this paragraph.

Nature of the Action

2. MOV-ology denies that Counterclaimants do not infringe either of the Patents-in-Suit. MOV-ology further denies that either of the Patents-in-Suit is invalid. MOV-ology denies any remaining allegations in this paragraph.

Parties

3. MOV-ology admits that it is a limited liability company organized under Delaware law. MOV-ology denies any remaining allegations in this paragraph.

4. MOV-ology lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and denies them on that basis.

5. MOV-ology lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and denies them on that basis.

Jurisdiction and Venue

6. This paragraph states conclusions of law that require no response. To the extent MOV-ology must respond, MOV-ology admits that these counterclaims include claims for declaratory judgment and that this Court has subject matter jurisdiction over these counterclaims. MOV-ology denies any remaining allegations in this paragraph.

7. This paragraph states conclusions of law that require no response. To the extent MOV-ology must respond, MOV-ology admits that it brought suit against the Counterclaimants for infringement of the Patents-in-Suit in this District and that this Court has personal jurisdiction over the parties and is a proper venue to hear these counterclaims. MOV-ology denies any remaining allegations in this paragraph.

8. MOV-ology admits that it sued the Counterclaimants for infringement of the Patents-in-Suit. Based on its investigation to date, MOV-ology admits that the Counterclaimants presently deny their infringement and contest the validity of the Patents-in-Suit. MOV-ology denies any remaining allegations in this paragraph.

9. This paragraph states conclusions of law that require no response. To the extent MOV-ology must respond, MOV-ology admits that whether Counterclaimants infringe the

Patents-in-Suit is before this Court in this action. MOV-ology denies any remaining allegations in this paragraph.

Count I – Non-Infringement of the '282 Patent

10. MOV-ology repeats all its responses in the preceding paragraphs as if fully set forth herein.

11. MOV-ology admits that it owns all right, title, and interest in the '282 patent and that it accuses Counterclaimants of infringement of the '282 patent. MOV-ology denies any remaining allegations in this paragraph.

12. MOV-ology denies the allegations in this paragraph.

13. This paragraph states conclusions of law that require no response. To the extent MOV-ology must respond, MOV-ology admits that it accuses Counterclaimants of infringement of the '282 patent and that a valid and justiciable controversy has arisen and exists between MOV-ology and Counterclaimants regarding Counterclaimants' infringement. MOV-ology denies any remaining allegations of this paragraph.

14. MOV-ology denies the allegations in this paragraph.

15. MOV-ology denies the allegations in this paragraph.

16. MOV-ology denies the allegations in this paragraph.

Count II – Non-Infringement of the '358 Patent

17. MOV-ology repeats all its responses in the preceding paragraphs as if fully set forth herein.

18. MOV-ology admits that it owns all right, title, and interest in the '358 patent and that it accuses Counterclaimants of infringement of the '358 patent. MOV-ology denies any remaining allegations in this paragraph.

19. MOV-ology denies the allegations in this paragraph.

20. This paragraph states conclusions of law that require no response. To the extent MOV-ology must respond, MOV-ology admits that it accuses Counterclaimants of infringement of the '358 patent and that a valid and justiciable controversy has arisen and exists between MOV-ology and Counterclaimants regarding Counterclaimants' infringement. MOV-ology denies any remaining allegations of this paragraph.

21. MOV-ology denies the allegations in this paragraph.

22. MOV-ology denies the allegations in this paragraph.

23. MOV-ology denies the allegations in this paragraph.

Count III – Invalidity of the '282 Patent

24. MOV-ology repeats all its responses in the preceding paragraphs as if fully set forth herein.

25. This paragraph states conclusions of law that require no response. To the extent MOV-ology must respond, MOV-ology denies the allegations in this paragraph.

26. MOV-ology admits that the '282 patent is valid and that a valid and justiciable controversy has arisen and exists between MOV-ology and Counterclaimants regarding the validity of the '282 patent. MOV-ology denies any remaining allegations in this paragraph.

27. MOV-ology denies the allegations in this paragraph.

28. MOV-ology denies the allegations in this paragraph.

Count IV – Invalidity of the '358 Patent

29. MOV-ology repeats all its responses in the preceding paragraphs as if fully set forth herein.

30. This paragraph states conclusions of law that require no response. To the extent MOV-ology must respond, MOV-ology denies the allegations in this paragraph.

31. MOV-ology admits that the '358 patent is valid and that a valid and justiciable controversy has arisen and exists between MOV-ology and Counterclaimants regarding the validity of the '358 patent. MOV-ology denies any remaining allegations in this paragraph.

32. MOV-ology denies the allegations in this paragraph.

33. MOV-ology denies the allegations in this paragraph.

Response to Defendants' Prayer for Relief

MOV-ology denies all allegations in subparagraphs (a)-(e) of Counterclaimants' Prayer for Relief.

Jury Demand

MOV-ology demands a trial by jury on all issues so triable.

Respectfully submitted,

Dated: August 31, 2023

By: /s/ Patrick A. Fitch

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Attorneys for Plaintiff MOV-ology LLC

Certificate of Service

I hereby certify that on August 31, 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel of record in the above-referenced matter.

/s/ Thomas J. Armento

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